THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.13159 OF 2007

Date: 24.12.2007

Between:

Podichety Rama Krishnama Charyulu

. . .Petitioner

AND

The District Collector, Karimnagar and others

. . .Respondents

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.13159 OF 2007

ORDER:

This writ petition is filed for a writ of mandamus to declare the inaction of respondent Nos.1 to 4 in taking steps to remove the bunks erected by respondent Nos.5 to 7 on PWD road (margin) leading to Vemulawada to Kamareddy in front of the mulgies of the petitioner at Tippapur Village, Vemulawada Mandal, Karimnagar District as illegal. The petitioner also sought for a consequential direction to the said respondents to remove the bunks of respondent Nos.5 to 7.

Though time was granted on three occasions, no instructions are reported from the learned Assistant Government Pleader for Transport.

The record contains letter, dated 20.12.2007 written by the learned counsel for the petitioner to the Registrar (Judicial), wherein it is stated that he filed proof of service of notice. Though appearance is filed by Sri T.V.Ramana Rao, counsel for respondent Nos.5 and 6, neither counter-affidavit has been filed on their behalf nor there is appearance of the learned counsel at the time of hearing. There is no appearance on behalf of respondent No.7.

The grievance of the petitioner is that though he has been making repeated representations to respondents 1 to 4 to remove the unauthorized encroachments made by respondents 5 to 7 in front of his mulgies, they have not so far taken any action. The photograph filed by the petitioner ex facie shows that the bunks existing in front of certain mulgies are on the road margin. In the absence of any pleading on behalf of respondent Nos.5 to 7 that they were permitted to erect such bunks, the conclusion is irresistible that these bunks are

erected without any authorization on the road margin. The placement of the bunks as could be seen from the photograph suggests that they are obstructing certain mulgies.

In the above circumstances, I do not see any justification whatsoever in respondent Nos.1, 2 and 4 for being indifferent to the representations made by the petitioner for removal of these blatant encroachments.

For the aforementioned reasons, the writ petition is disposed of with the direction to respondents 1, 2 and 4 to forthwith take appropriate action to remove the encroachments said to be existing adjacent to the mulgies of the petitioner. It is made clear that if no such action is taken within four weeks from today, the petitioner is free to initiate appropriate action against respondents 1, 2 and 4.

C.V.NAGARJUNA REDDY, J

24th DECEMBER, 2007
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